

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDGARDO DIAZ, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

-against-

NEW YORK PAVING INC.

Defendant.
----- X

Case No.
18-CV-04910 (ALC)(GWG)

**DECLARATION OF
CHRISTOPHER P.
HAMPTON, ESQ.**

CHRISTOPHER P. HAMPTON, declares, pursuant to 28 U.S.C. § 1746 and
subject to the penalties of perjury, that the following is true and correct:

1. This firm represents Defendant in the above-captioned action.
2. The undersigned submits this Declaration in Opposition to Plaintiffs' Motion for Sanctions Under FED.R.CIV.P 37 for Defendant's Concealment of its old Bethpage Faculty (ECF Docket Entries 210-212) (the "Motion").
3. The undersigned annexes to this Declaration Exhibits "A" - "P," which are relied upon and cited in Defendant's Opposition to the Motion. Copies of these documents are as follows:
 4. Exhibit A – Chronology of Wittels fraudulent behavior.
 5. Exhibit B – Defendant's Counsel's April 24, 2018 Correspondence.
 6. Exhibit C – Plaintiffs' Counsel's May 30, 2018 Correspondence.
 7. Exhibit D - Deposition Transcript of Edgardo Diaz at 44:14-49:03, 133:07-134:08, 139:06-149:24, 147:11-148:16; Deposition Transcript of Frank Wolfe at 28:11-30:19; Deposition Transcript of Terry Holder at 39:24-47:06.

8. Exhibit E - Transcripts from the National Labor Relations Board proceeding in New York Paving, Inc. (29-CA-209803, 29-CA-197798, 29-CA-213828, 29-CA-213847), dated October 16, 17, 18, 2018.

9. Exhibit F - Transcript from the National Labor Relations Board proceeding in New York Paving, Inc. (29-CA-209803, 29-CA-197798, 29-CA-213828, 29-CA-213847), dated September 21, 2018, at 197:6-197:14, 213:19-214:8.

10. Exhibit G - Screenshot of Google Search.

11. Exhibit H - Plaintiffs' Initial Disclosures.

12. Exhibit I - Plaintiffs' Interrogatories and Document Demands directed to Defendant, dated October 12, 2018.

13. Exhibit J – Plaintiffs' Second Request for Production of Documents, dated July 16, 2020.

14. Exhibit K - Defendant's Response and Objections dated December 21, 2018, and Defendant's Fourth Supplemental Responses and Objections, dated January 13, 2020

15. Exhibit L – Peter Miceli Transcript Cover Pages.

16. Exhibit M – Robert Coletti Transcript Cover Page.

17. Exhibit N. - Email Correspondence dated March 22, 2021.

18. Exhibit O - Letter Correspondence dated March 26, 2021.

19. Exhibit P –Order of the Honorable Sanket J. Bulsara, United States Magistrate Judge dated December 18, 2019 re: *Donin, et al. v. Just Energy Group Inc. et al.*

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: Mineola, New York
June 17, 2021

**MELTZER, LIPPE, GOLDSTEIN &
BREITSTONE, LLP**

Attorneys for the Defendant

By: /s/ Christopher P. Hampton
Christopher P. Hampton
190 Willis Avenue
Mineola, New York 11751
(516)747-0300
champton@meltzerlippe.com